



Atty. Dkt. No. 071949-1328

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kenneth F. Buechler

Title: DIAGNOSTIC DEVICES AND  
APPARATUS FOR THE  
CONTROLLED MOVEMENT OF  
REAGENTS WITHOUT  
MEMBRANES

Appl. No.: 10/697,351

Filing Date: 10/29/2003

Examiner:

Art Unit:

<p align="center"><b>CERTIFICATE OF MAILING</b></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the date below.</p> <p><u>DIANE GARCIA</u> (Printed Name)</p> <p><u>Diane Garcia</u> (Signature)</p> <p><u>1-8-04</u> (Date of Deposit)</p>
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**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(i) to submit copies of U.S. patents and U.S. patent application publications when citing and submitting an Information Disclosure Statements in a patent application filed after June 30, 2003 and in an international application that has entered the national stage under 37 USC §371 after June 30, 2003. Accordingly, copies of these types of documents are not being supplied in connection with this application. Reference is being made to Pre-OG Notice from Office of Patent Legal Administration dated July 25, 2003, *Information Disclosure Statements May Be Filed Without Copies of U.S. Patents and Published Applications in Patent Applications filed after June 30, 2003.*

Applicant submits herewith a listing of the documents cited by or submitted to the U.S. PTO in parent application Serial No. 09/613,650, filed 07/11/2000. As provided in 37 CFR §1.98(d), copies of the documents are not being provided since they were previously submitted to the United States Patent & Trademark Office in the above-identified parent application.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

#### **TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), within three (3) months of the filing date of the application.

#### **RELEVANCE OF EACH DOCUMENT**

All of the documents are in English.

Applicant respectfully requests that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to

Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date 1/8/04

By Barry Wilson

FOLEY & LARDNER

Customer Number: 30542

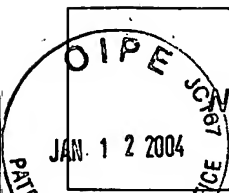
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Facsimile: (858) 792-6773

Barry S. Wilson

Attorney for Applicant

Registration No. 39,431

	<b>Notice of References Cited</b>		Application/Control No. 09/613,650	Applicant(s)/Patent Under Reexamination BUECHLER, KENNETH F.	
			Examiner Lyle A Alexander	Art Unit 1743	Page 1 of 1

**U.S. PATENT DOCUMENTS**

		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,512,659	04-1996	Ullman et al.	530/391.1
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

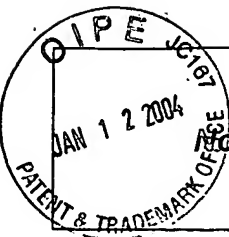
*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

1307



# Notice of References Cited

Application/Control No.

09/613,650

Applicant(s)/Patent Under  
Reexamination  
BUECHLER, KENNETH F.

Examiner

Lyle A Alexander

Art Unit

1743

Page 1 of 1

## U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-3,966,897	06-1976	Renn et al.	436/515
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
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	M	US-			

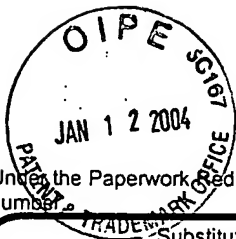
## FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

## NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



MODIFIED PTO/SB/08 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449B/PTO

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

## Complete if Known

Application Number	09/613,650
Filing Date	07/11/2000
First Named Inventor	Kenneth F. Buechler, Ph.D.
Group Art Unit	1743
Examiner Name	
Attorney Docket Number	071949-1307

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	A1	4,591,570		Chang	05-27-1986	
	A2	4,695,554		O'Connell et al.	09-22-1987	
	A3	4,829,010		Chang	05-09-1989	
	A4	4,859,613		Lawrence	08-22-1989	
	A5	4,911,782		Brown	03-27-1990	
	A6	4,978,503		Shanks et al.	12-18-1990	
	A7	5,155,212		Dubler et al.	10-13-1992	
	A8	5,202,268		Kuhn et al.	04-13-1993	
	A9	5,486,335		Wilding et al.	01-23-1996	
	A10	5,766,961		Pawiak et al.	06-16-1998	
	A11	5,922,615		Nowakowski et al.	07-13-1999	
	A12	6,156,270		Buechler	12-05-2000	

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	A13	EP	0 695 941		Affymetrix, Inc.			
	A14	WO	94/09366		Abbott Laboratories	04-28-1994		
	A15	WO	97/00442		The University of Washington	01-03-1997		
	A16	WO	97/02357		Affymetrix Inc.	01-23-1997		

## NON PATENT LITERATURE DOCUMENTS

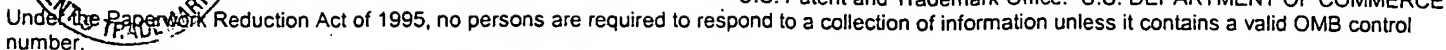
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	A17	Phadke, "Biosensors and enzyme immobilized electrodes." Biosystems, 27:203-206, 1992.	

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 of 2

**Complete if Known**

<b>Application Number</b>	09/613,650
<b>Filing Date</b>	07/11/2000
<b>First Named Inventor</b>	Kenneth F. Buechler, Ph.D.
<b>Group Art Unit</b>	1743
<b>Examiner Name</b>	
<b>Attorney Docket Number</b>	071949-1307

## NON PATENT LITERATURE DOCUMENTS

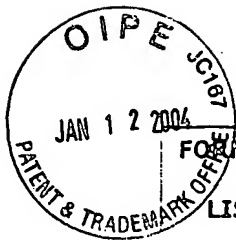
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FORM PTO-1449

**LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S  
INFORMATION DISCLOSURE STATEMENT**

(Use several sheets if necessary)

**ATTY. DOCKET NO.**  
030691.0011.CIP2**SERIAL NO.**  
09/613,650**APPLICANT:**  
Kenneth F. Buechler**FILING DATE:**  
July 10, 2000**GROUP:**  
1641**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
	AA	4,233,029	11/11/80	Columbus	422	58	
	AB	4,426,451	01/17/84	Columbus	436	518	01/28/81
	AD	4,435,504	03/06/84	Zuk, et al.	435	7	07/15/82
	AE	4,727,019	02/23/88	Valkirs, et al.			05/10/85
	AF	4,756,828	07/12/88	Litman, et al.	435	7	4/12/84
	AG	4,757,004	07/12/88	Houts, et al.	435	7	03/16/84
	AH	4,857,453	08/15/89	Ullman, et al.	435	7	04/07/87
	AI	4,877,586	10/31/89	Devaney, Jr. et al.			07/27/88
	AJ	4,879,215	11/07/89	Weng, et al.	435	7	
	AK	4,883,688	11/28/89	Houts, et al.	427	285	07/05/88
	AL	4,906,439	03/06/90	Grenner	422	56	
	AM	4,916,056	04/10/90	Brown, III et al.	435	7	03/28/88
	AN	4,945,205	07/31/90	Litman, et al.	219	121	07/05/88
	AO	4,960,691	10/02/90	Gordon, et al.	435	6	09/29/86
	AP	4,963,498	10/16/90	Hillman, et al.	436	69	01/15/88
	AQ	5,006,309	04/09/91	Khalil et al.	422	56	04/22/88
	AR	5,023,054	06/91	Sato, et al.	422	82.09	11/09/89
	AS	5,028,535	07/02/91	Buechler, et al.	435	7.1	01/10/89
	AT	5,051,237	09/24/91	Grenner et al.	422	56	06/23/88

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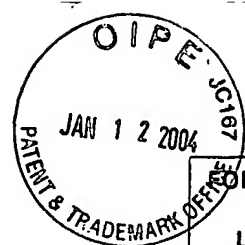
<b>FORM PTO-1449</b>  <b>LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>  (Use several sheets if necessary)	<b>ATTY. DOCKET NO.</b> 030691.0011.CIP2	<b>SERIAL NO.</b> 09/613,650
	<b>APPLICANT:</b> Kenneth F. Buechler	
	<b>FILING DATE:</b> July 10 2000	<b>GROUP:</b> 1641

	AU	5,087,556	02/92	Ertinghausen	422	56	05/17/89
	AV	5,089,391	02/18/92	Buechler, et al.	435	7.1	01/10/90
	AW	5,137,808	08/92	Ullman, et al.	422	56	07/31/89
	AX	5,458,852	10/17/95	Buechler	422	58	05/21/92
	AY	5,885,527	3/23/99	Buechler	422	58	5/23/95
	AZ	6,019,944	02/01/00	Buechler	422	58	05/23/95

FOREIGN PATENT DOCUMENTS								
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO
	BA	0212314	03.04.87	EPO (Allen, et al.)	3	00		
	BB	0348006	27.12.89	EPO (Greener, et al.)	3	00		
	BC	0418765	21.03.91	EPO (Vonk)	33	543		

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)		
	BD	Cambridge Dictionary of Science and Technology, Walker, editor, 131 (1988) (Reprinted 1990)
	BE	Dill, "Dominant Forces in Protein Folding", <u>BIOCHEMISTRY</u> 29(31): 7133 (1990)
	BF	Frens, "Controlled Nucleation for the Regulation of the Particle Size in Monodisperse Gold Suspensions," <u>Nature Physical Science</u> 241:20-22 (1973)
	BG	Laibinis, et al., "w-Terminated Alkanethiolate Monolayers on Surfaces of Copper, Silver, and Gold Have Similar Wettabilities" <u>J. AM. CHEM. SOC.</u> , 1992:114 (1990-1995)
	BH	Lou, et al., "One-Step Competitive Immunochromatographic Assay for Semiquantitative Determination of Lipoprotein(a) in Plasma" <u>CLINICAL CHEMISTRY</u> , 39(4) 619-624 (1993)
	BI	Myer, D., Surfaces, Interfaces, and Colloids: Principles and Applications, 94-99 (1991)

<b>EXAMINER:</b>	<b>DATE CONSIDERED:</b>
EXAMINER: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant	



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	<b>APPLICANT:</b> Kenneth F. Buechler	
	<b>FILING DATE:</b> July 10, 2000	<b>GROUP:</b> 1641

	BJ	Ross et al., "Thermodynamics of Protein Association Reactions: Forces Contributing to Stability" <u>BIOCHEMISTRY</u> 20(11): 3096 (1981)

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